

REMARKS

The Office Action has been carefully studied. No claim is allowed. Claims 3-6 presently appear in this application and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

Claims 3-6 have been rejected under 35 U.S.C. §112, first paragraph, because the examiner states that the specification, while being enabling for a plant promoter nucleotide sequence (SEQ ID NOs:1-8) of endoxyloglucan transferase, does not reasonably provide enablement for any nucleotide sequence hybridizable to said SEQ ID NOs:1-8. This rejection is respectfully traversed.

Claims 3 and 5 are now amended to recite the hybridization conditions as supported on page 60, lines 15-21 of the specification. These conditions are used for obtaining a promoter that is hybridizable to the plant promoter of the present invention and also possesses the promoter activity in at least one of plants, plant cells, and transgenic plants regenerated from the plant cells as specifically taught on pages 59, line 23 to page 60, line 3 of the specification. Thus, with the guidance provided by the specification on how to obtain a promoter, one of skill in the art is well enabled for such promoters.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

In view of the above, the claims comply with 35 U.S.C. §112 and define patentable subject matter warranting their allowance. Favorable consideration and early allowance are earnestly urged.

Respectfully submitted,

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VERSION WITH MARKING TO SHOW CHANGES MADE

Claims 3 and 5 have been amended as follows:

3(Amended). A method for controlling the morphology of a plant, comprising:

transforming a plant with an isolated DNA molecule comprising a plant promoter ligated to a gene for controlling plant morphology, wherein the gene for controlling plant morphology is expressed from the plant promoter in a tissue-specific manner at a site and a stage required for reconstitution of plant cell wall xyloglucan and wherein the plant promoter has a nucleotide sequence selected from the group consisting of SEQ ID NOs: 1, 2, 3, 4, 5, 6, 7, and 8, or has a nucleotide sequence hybridizable to any one of SEQ ID NOs: 1, 2, 3, 4, 5, 6, 7, or 8 under conditions of hybridization at 65°C for 20 hours in a solution containing 6 X SSC, 1% sodium lauryl sulfate, 100 µg/ml of salmon sperm DNA, and 5X Denhardt's solution and having the promoter activity in at least one of plants, plant cells or transgenic plants regenerated from the plant cells; and

obtaining a plant whose morphology is controlled.

5(Twice-Amended). A method for controlling transgenic plant morphology, comprising:

transforming a plant cell with an isolated DNA molecule comprising a plant promoter ligated to a gene for

controlling plant morphology, wherein the gene for controlling plant morphology is expressed from the plant promoter in a tissue-specific manner at a site and a stage required for reconstitution of plant cell wall xyloglucan and wherein the plant promoter has a nucleotide sequence selected from the group consisting of SEQ ID NOs: 1, 2, 3, 4, 5, 6, 7, and 8, or has a nucleotide sequence hybridizable to any one of SEQ ID NOs: 1, 2, 3, 4, 5, 6, 7, or 8 under conditions of hybridization at 65°C for 20 hours in a solution containing 6 X SSC, 1% sodium lauryl sulfate, 100 µg/ml of salmon sperm DNA, and 5X Denhardt's solution and having the promoter activity in at least one of plants, plant cells or transgenic plants regenerated from the plant cells;

regenerating a transgenic plant from the transformed plant cell; and

selecting a transgenic plant whose morphology is controlled.